

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

THOMAS E. PEREZ, )  
Secretary of Labor, )  
United States Department of Labor, ) FILE NO.  
 )  
Plaintiff, ) 3:13-cv-919-CWR-LRA  
 )  
v. )  
 )  
CAPITAL RISK INSURANCE, INC., )  
CAPITAL RISK INSURANCE, INC. )  
SIMPLE IRA PLAN, and )  
PHILLIP WILLIS, )  
Defendants. )

**DEFAULT JUDGMENT AND ORDER**

Upon Plaintiff's Motion for Default Final Judgment and considering the entry of Clerk's Default filed on April 17, 2014, Defendants' failures and refusals to plead or otherwise defend, the affidavit filed by Plaintiff in support of said Motion, and the Court being otherwise fully advised:

WHEREFORE, it is hereby ordered, adjudged, and decreed that,

- A. The Secretary's motion for default judgment is GRANTED;
- B. Defendants Phillip Willis and Capital Risk Insurance, Inc. (the "Company") are hereby enjoined from violating the provisions of Title I of ERISA;

C. Defendants Willis and the Company are hereby permanently enjoined from acting as a fiduciary, trustee, agent, or representative in any capacity to any employee benefit plan, as defined by ERISA.

D. Defendants Willis and the Company shall make restitution and restore all losses to the Capital Risk Insurance, Inc. Simple IRA Plan (the "Plan"). The restitution shall be in the amount of \$8,774.09 for un-remitted contributions, and lost earnings and interest through May 31, 2014.

E. The Plan shall set off the individual Plan account of Defendant Willis against this amount of losses, including lost opportunity costs, resulting from his fiduciary breaches and/or against the amount of fees required by the Independent Fiduciary, as authorized by § 1502(a) of the Taxpayer Relief Act of 1997, Pub. L. No.

105-34, § 1502(a), 111 Stat. 788, 1058-59 (1997) (codified at 29 U.S.C. § 1056(d)(4)), if the losses/fees are not otherwise restored to the Plan by the Defendants.

F. Defendant Willis is removed from any position he holds as a named or functional fiduciary to the Plan.

G. The Court hereby orders that the losses, once they are restored to the Plan, shall be distributed to the participant accounts in the following manner:

- a. Matthew Burks - \$969.01
- b. Cathy Jenkins - \$1,357.00
- c. Natasha Lovern - \$640.07
- d. Pamela Manning - \$1,091.84
- e. Kathy Richardson - \$1,283.60

- f. Neil Simpson - \$1,305.04
- g. Michael Wells - \$2,047.34
- h. Chrystal Whittinghill - \$80.19

The Court, finding that there is no just reason to delay the entry of this Judgment, expressly directs the entry thereof as a final order, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

**SO ORDERED**, this the 14<sup>th</sup> day of August, 2014.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE